

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY RAPP and C.D.,

Case No. 1.20-cv-09586 (LAK)

Plaintiffs,

**NOTICE OF MOTION**

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY

Defendant.  
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**PLEASE TAKE NOTICE**, that upon the annexed declaration of Peter J. Saghir, Esq., the exhibits annexed thereto, the accompanying memorandum of law, and upon all the pleadings and proceedings heretofore had herein, the plaintiffs, ANTHONY RAPP and C.D., will move this Court before United States District Judge Lewis A. Kaplan, in the United States District Court for the Southern District of New York, located in the Federal Courthouse, 500 Pearl Street, New York, NY 10007 on a date to be set by the Court, for an order (1) remanding this action to New York State Supreme Court pursuant to 28 U.S.C. § 1447(c) on the grounds that the district court lacks subject matter jurisdiction under 28 U.S.C. § 1332(a)(1) inasmuch as defendant Spacey is a domiciliary of England, or in the alternative, (2) permitting discovery on the issue of

defendant, KEVIN SPACEY's, domicile at the time the underlying state action, *Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey*, New York Supreme Index No. 950648/2020, was commenced; and (3) for such other and further relief as this Court may deem appropriate.

Dated: New York, New York  
December 14, 2020

Respectfully submitted,

GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF

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